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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,264	04/24/2000	Glen Kazumi Okita	02365.P0015	8596

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT PAPER NUMBER

2676

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/557,264

Applicant(s)

OKITA ET AL.

Examiner

Greg Cunningham

Art Unit

2676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



MATTHEW C. BELLA

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2000041109

Continuation of 2. NOTE: While the proposed amendment has overcome the objection of claim 6 and claim 27 would be allowable, a new updated search would be required prior to the close of prosecution; unless of course applicant desires to cancel all claims except claim 27.

Continuation of 5. does NOT place the application in condition for allowance because: Contrary to applicant's interpretation of Ho as being directed toward "virtual business computing" Ho is actually titled "Method and Apparatus For Visual Business Computing". Furthermore in [para. 0002] Ho teaches "More particularly, the invention relates to a visual business computing system." The "black box" portion of Ho in Fig. 4 are the first, second, and third packaged application systems 404, 406, 408 of black box 402 - as revealed in [para. 0045]. Consequently work flow 410, the group of business process rules is not of the "black box" nor virtual - as revealed in [para. 0046]. Therefore the motivation to combine Ho with Asai et al., hereinafter Asai, rests the work flow 410 group of business process rules for performing business related processes on data; and Ho's invention as it relates to a visual business computing system.

Asai teaches in col. 3, lns. 18-39, data collection (measuring) execution time during program execution of multiple processors 12a-12n and used as data for execution profiles. These profiles are reports that provide users with information about how the processors 12a-12n are actually working (in essence work flow timing). Furthermore Asai teaches in col. 4, lns. 8-15, the profile display processor 17 visualizes the results of the analysis using several graphical presentation techniques - see Fig. 13 - 18; additionally col. 9, lns. 10-36 discloses "statistical analysis for each execution time category are overlaid on the bar graphs". Thus Asai relates most appropriately to independent claim 1, as well as the other cited references to Asai.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply visualizing methods of workflow disclosed by Asai in combination with business process rules for performing business related processes on data disclosed by Ho, and motivated to combine the teachings because it would streamline information flow as revealed by Ho in para. 0006.

*J.F. Cunningham, Examiner*  
*11/9/04*